

UNOFFICIAL VERSION

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MONDAY, MARCH 26, 2018

SIXTY-THIRD LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 4:00 p.m., and was called to order by Mr. Speaker McNally.

PRAYER

The proceedings were opened with prayer by Mr. Steve Saunders of Edgefield Baptist Church in Nashville, Tennessee, a guest of Senator Yarbro.

PLEDGE OF ALLEGIANCE

Senator Yarbro led the Senate in the Pledge of Allegiance to the Flag.

SALUTE TO THE FLAG OF TENNESSEE

Senator Yarbro led the Senate in the Salute to the Flag of Tennessee.

ROLL CALL

The roll call was taken with the following results:

Present 30

Senators present were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--30.

COMMUNICATIONS

March 26, 2018

Lt. Gov. Randy McNally
Cordell Hull Building, 7th Floor
Nashville, TN 37243

RE: Monday, March 26, 2018

Dear Lt. Gov. McNally:

I will be out of the office and not able to attend Session on Monday, March 26, 2018.

Please approve my not being present today and feel free to call me if you have any questions.

Sincerely,

/s/ Mark E. Green, M.D.
State Senator
District #22

APPROVED: Lieutenant Governor
Randy McNally

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March 26, 2018

Lt. Governor McNally
Speaker of the Senate
Suite 700 Cordell Hull Bldg.
Nashville, TN 37243

Dear Lt. Governor McNally:

This is to request for permission to be excused this week March 26th-March 29th due to the death of my husband Paul Harper. Thank you for your consideration of my request.

Sincerely,

/s/ Senator Thelma Harper/sa

APPROVED: Lieutenant Governor
Randy McNally

March 26, 2018

Lt. Governor Randy McNally
Cordell Hull Building
Suite 700
425 5th Avenue North
Nashville, TN 37243

Dear Speaker McNally:

I am unable to attend today's Senate Session. Please let this letter serve as notice of my absence.

All the best,

/s/ Lee Harris

APPROVED: Lieutenant Governor
Randy McNally

PRESENTATION

Mr. Secretary of State Tre Hargett presented the Election Certificate to Senator Shane Reeves.

PRESENTATION

Senators Roberts and Johnson introduced Ms. Alexandra Harper, 2018 Miss Tennessee USA.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bill No. 2748** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILL

The Speaker announced the following bill was filed for introduction and passed first consideration:

Senate Bill No. 2748 by Senator Bailey.

Taxes, Hotel/Motel -- As introduced, authorizes the City of Crossville, by ordinance adopted by a two-thirds vote, to levy an occupancy tax of not more than 3 percent on the privilege of staying in any hotel or motel in Crossville; the ordinance must set forth the manner of collection and administration of the privilege tax; requires that all proceeds received by the municipality from the tax be used for tourism and economic development. Amends TCA Section 67-4-1425.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 1198, 1707, 1762, 1870, 2006, 2029, 2220, 2438, 2469, 2613 and 2636** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 1198 -- Tennessee Higher Education Commission -- As introduced, returns the appointment of the executive director of the Tennessee higher education commission from the governor to the commission. Amends TCA Section 49-7-205.

House Bill No. 1707 -- Public Funds and Financing -- As introduced, removes the prohibition on state and municipal bonds being accepted as collateral security by the state treasurer. Amends TCA Title 9, Chapter 4.

House Bill No. 1762 -- Health Care -- As introduced, changes the definition of "trauma service codes" for purposes of the Tennessee Trauma Center Funding Law of 2007. Amends TCA Section 68-59-102.

House Bill No. 1870 -- Schools, Charter -- As introduced, requires school districts to provide excess cost reimbursement funds received due to students generating excess costs to schools; requires special education services associations to provide services to charter schools; authorizes charter schools to create a special education services association. Amends TCA Title 49, Chapter 10.

House Bill No. 2006 -- Veterans -- As introduced, makes the veteran hiring preference mandatory; creates a private right of action for a veteran who is denied the veteran hiring preference. Amends TCA Section 8-30-307 and Title 9, Chapter 8.

House Bill No. 2029 -- Taxes, Business -- As introduced, allocates to the county clerk \$3.00 of the \$15 fee charged for issuance of a business license; requires the \$3.00 to be used for computer-related expenses. Amends TCA Section 67-4-723.

House Bill No. 2220 -- Health Care -- As introduced, directs the commissioner of health to study issues related to healthcare access and healthcare status of populations affected by the implementation of the Tennessee Prescription Safety Act of 2016, Chapter 1002 of the Public Acts

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of 2016; the commissioner shall report the findings and any recommendations arising out of the study to the health committee of the house of representatives and the health and welfare committee of the senate on or before January 15, 2019. Amends TCA Title 4; Title 7; Title 33; Title 53; Title 63; Title 68 and Title 71.

House Bill No. 2438 -- Education -- As introduced, authorizes the board of trustees of the college savings trust fund program to seek rulings from the department of treasury and internal revenue service about the program. Amends TCA Title 49, Chapter 7, Part 8.

House Bill No. 2469 -- State Employees -- As introduced, requires that a state employee in the preferred service be reinstated upon the failure of an appointing authority or the commissioner of human resources to issue a timely decision in a Step I or Step II appeal, respectively; requires the appointing authority and commissioner in such proceedings to provide the complainant employee copies of certain evidence prior to meeting with the employee; excludes evidence from consideration if not so provided. Amends TCA Title 8, Chapter 30.

House Bill No. 2613 -- Employees, Employers -- As introduced, prohibits public and private employers from requiring an employee or prospective employee to execute a non-disclosure agreement with respect to sexual harassment in the workplace as a condition of employment. Amends TCA Title 50, Chapter 1, Part 1.

House Bill No. 2636 -- Taxes, Hotel/Motel -- As introduced, authorizes the City of Hendersonville, by ordinance adopted by a two-thirds vote, to levy an occupancy tax of not more than 2.75 percent on the privilege of staying in any hotel or motel in Hendersonville; requires the ordinance to set forth the manner of collection and administration of the privilege tax; requires that all proceeds received by the municipality from the tax be used for tourism development. Amends TCA Section 67-4-1425.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bills Nos. 2740 through 2747** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

Senate Bill No. 2740 Local bill -- held on desk.

Senate Bill No. 2741 Local bill -- held on desk.

Senate Bill No. 2742 Local bill -- held on desk.

Senate Bill No. 2743 Local bill -- held on desk.

Senate Bill No. 2744 Local bill -- held on desk.

Senate Bill No. 2745 Local bill -- held on desk.

Senate Bill No. 2746 Local bill -- held on desk.

Senate Bill No. 2747 Local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 787 through 801** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 787 by Senator Bailey.

Memorials, Recognition -- Trooper Michael Loftis, Trooper of the Year.

Senate Joint Resolution No. 788 by Senator Bailey.

Memorials, Academic Achievement -- Annalise M. Wallace, Salutatorian, Cumberland County High School.

Senate Joint Resolution No. 789 by Senator Bailey.

Memorials, Academic Achievement -- Vasilis Drinas, Valedictorian, Cumberland County High School.

Senate Joint Resolution No. 790 by Senator Bailey.

Memorials, Academic Achievement -- Clare Kemmer, Salutatorian, Stone Memorial High School.

Senate Joint Resolution No. 791 by Senator Bailey.

Memorials, Academic Achievement -- Jordan Ann Houston, Valedictorian, Stone Memorial High School.

Senate Joint Resolution No. 792 by Senator Southerland.

Memorials, Personal Achievement -- Joshua Sonnenmeier, Eagle Scout.

Senate Joint Resolution No. 793 by Senator Southerland.

Memorials, Personal Achievement -- William Sullivan, Eagle Scout.

Senate Joint Resolution No. 794 by Senator Southerland.

Memorials, Recognition -- Don Hamilton, Governor's Volunteer Stars Award.

Senate Joint Resolution No. 795 by Senator Southerland.

Memorials, Recognition -- Cameron Hamilton, Governor's Volunteer Stars Award.

Senate Joint Resolution No. 796 by Senator Haile.

Memorials, Death -- Mayor John Coombs.

Senate Joint Resolution No. 797 by Senator Dickerson.

Memorials, Recognition -- Lonnie Keith Head.

Senate Joint Resolution No. 798 by Senator Southerland.

Memorials, Recognition -- Tom Strate, Silver Beaver Award.

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Senate Joint Resolution No. 799 by Senator Pody.

Memorials, Academic Achievement -- Jansen Carver, Valedictorian, McClain Christian Academy.

Senate Joint Resolution No. 800 by Senator Gresham.

Memorials, Sports -- Freed-Hardeman University women's basketball team.

Senate Joint Resolution No. 801 by Senator Gresham.

Memorials, Sports -- Dale Neal, Coach of the Year.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 911 and 953**; and **Senate Joint Resolutions Nos. 761 through 776 and 778 through 786** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 911 -- Memorials, Public Service -- Representative Brenda Gilmore.

The Speaker announced that he had referred House Joint Resolution No. 911 to the Committee on Calendar.

House Joint Resolution No. 953 -- Memorials, Recognition -- "Autism Awareness Month," April 2018.

The Speaker announced that he had referred House Joint Resolution No. 953 to the Committee on Health and Welfare.

Senate Joint Resolution No. 761 -- Memorials, Interns -- Suzanne Schultz.

The Speaker announced that he had referred Senate Joint Resolution No. 761 to the Committee on Calendar.

Senate Joint Resolution No. 762 -- Memorials, Academic Achievement -- Faith Julianne Bambas, Valedictorian, Heritage Christian Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 762 to the Committee on Calendar.

Senate Joint Resolution No. 763 -- Memorials, Academic Achievement -- Mark Ward, Salutatorian, Heritage Christian Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 763 to the Committee on Calendar.

Senate Joint Resolution No. 764 -- Memorials, Academic Achievement -- Alex Pitman, Salutatorian, Mt. Juliet Christian Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 764 to the Committee on Calendar.

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Senate Joint Resolution No. 765 -- Memorials, Academic Achievement -- Will Michael Gipson, Salutatorian, McClain Christian Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 765 to the Committee on Calendar.

Senate Joint Resolution No. 766 -- Memorials, Academic Achievement -- Marshal Evins, Salutatorian, DeKalb County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 766 to the Committee on Calendar.

Senate Joint Resolution No. 767 -- Memorials, Recognition -- Ralph Alexander McKee, Sr., Wilson County Agricultural Hall of Fame.

The Speaker announced that he had referred Senate Joint Resolution No. 767 to the Committee on Calendar.

Senate Joint Resolution No. 768 -- Memorials, Recognition -- Dr. Lanas Smith, Wilson County Agricultural Hall of Fame.

The Speaker announced that he had referred Senate Joint Resolution No. 768 to the Committee on Calendar.

Senate Joint Resolution No. 769 -- Memorials, Academic Achievement -- Lindsey Bowman, Salutatorian, Cannon County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 769 to the Committee on Calendar.

Senate Joint Resolution No. 770 -- Memorials, Academic Achievement -- Hannah Hudson, Valedictorian, Red Boiling Springs High School.

The Speaker announced that he had referred Senate Joint Resolution No. 770 to the Committee on Calendar.

Senate Joint Resolution No. 771 -- Memorials, Academic Achievement -- Caroline Hibbett, Valedictorian, Mt. Juliet Christian Academy.

The Speaker announced that he had referred Senate Joint Resolution No. 771 to the Committee on Calendar.

Senate Joint Resolution No. 772 -- Memorials, Academic Achievement -- Allison Maynard, Valedictorian, DeKalb County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 772 to the Committee on Calendar.

Senate Joint Resolution No. 773 -- Memorials, Academic Achievement -- Shianne Ashford, Valedictorian, Cannon County High School.

The Speaker announced that he had referred Senate Joint Resolution No. 773 to the Committee on Calendar.

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Senate Joint Resolution No. 774 -- Memorials, Academic Achievement -- Lauren Jones, Salutatorian, Red Boiling Springs High School.

The Speaker announced that he had referred Senate Joint Resolution No. 774 to the Committee on Calendar.

Senate Joint Resolution No. 775 -- Memorials, Retirement -- Kim Trent.

The Speaker announced that he had referred Senate Joint Resolution No. 775 to the Committee on Calendar.

Senate Joint Resolution No. 776 -- Memorials, Recognition -- Anderson County, Boy Scouts of America, 75th Anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 776 to the Committee on Calendar.

Senate Joint Resolution No. 778 -- Memorials, Interns -- Eric Paul Boshers.

The Speaker announced that he had referred Senate Joint Resolution No. 778 to the Committee on Calendar.

Senate Joint Resolution No. 779 -- Memorials, Recognition -- Dr. Ravi Singh.

The Speaker announced that he had referred Senate Joint Resolution No. 779 to the Committee on Calendar.

Senate Joint Resolution No. 780 -- Memorials, Interns -- Katerina N. Cook.

The Speaker announced that he had referred Senate Joint Resolution No. 780 to the Committee on Calendar.

Senate Joint Resolution No. 781 -- Memorials, Recognition -- Helen "Tootie" Haskins.

The Speaker announced that he had referred Senate Joint Resolution No. 781 to the Committee on Calendar.

Senate Joint Resolution No. 782 -- Memorials, Public Service -- Senator J. Douglas Overbey.

The Speaker announced that he had referred Senate Joint Resolution No. 782 to the Committee on Calendar.

Senate Joint Resolution No. 783 -- Memorials, Retirement -- Senator Bill Ketron.

The Speaker announced that he had referred Senate Joint Resolution No. 783 to the Committee on Calendar.

Senate Joint Resolution No. 784 -- Memorials, Public Service -- Senator Jim Tracy.

The Speaker announced that he had referred Senate Joint Resolution No. 784 to the Committee on Calendar.

Senate Joint Resolution No. 785 -- Memorials, Retirement -- Jess O. Hale.

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The Speaker announced that he had referred Senate Joint Resolution No. 785 to the Committee on Calendar.

Senate Joint Resolution No. 786 -- Memorials, Death -- Nancy Ivy McCraw.

The Speaker announced that he had referred Senate Joint Resolution No. 786 to the Committee on Calendar.

CONSENT CALENDAR NO. 1

Senate Joint Resolution No. 752 -- Memorials, Death -- Buford Michael "Mike" Helton.

Senate Joint Resolution No. 753 -- Memorials, Death -- Jerry Hays.

Senate Joint Resolution No. 754 -- Memorials, Death -- Vernon "Coach O" Osborne.

Senate Joint Resolution No. 755 -- Memorials, Interns -- Robert Austin Anderson.

Senate Joint Resolution No. 756 -- Memorials, Retirement -- Jimmy Moore.

Senate Joint Resolution No. 757 -- Memorials, Death -- Joe Albrecht.

Senate Joint Resolution No. 758 -- Memorials, Sports -- Upperman High School girls' basketball team, 2018 TSSAA State Champions.

Senate Joint Resolution No. 759 -- Memorials, Death -- Dr. Alan Tatum.

Senate Resolution No. 176 -- Memorials, Interns -- Zachary Ryan Watts.

House Joint Resolution No. 869 -- Memorials, Public Service -- Representative David Alexander.

House Joint Resolution No. 913 -- Memorials, Public Service -- Representative Raumesh Akbari.

House Joint Resolution No. 914 -- Memorials, Public Service -- Representative Johnnie Turner.

House Joint Resolution No. 921 -- Memorials, Academic Achievement -- Sydnee M. Collins, Valedictorian, Memphis Academy of Health Sciences High School.

House Joint Resolution No. 922 -- Memorials, Academic Achievement -- Reginald D. Willis, Salutatorian, Memphis Academy of Health Sciences High School.

House Joint Resolution No. 923 -- Memorials, Academic Achievement -- Jazmin Bautista Rojas, Salutatorian, Kingsbury High School.

House Joint Resolution No. 924 -- Memorials, Academic Achievement -- Chanteria Milner, Valedictorian, Kingsbury High School.

House Joint Resolution No. 925 -- Memorials, Academic Achievement -- Hayln Brown, Salutatorian, Douglass High School.

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House Joint Resolution No. 926 -- Memorials, Academic Achievement -- Tori Douglas, Valedictorian, Douglass High School.

House Joint Resolution No. 927 -- Memorials, Recognition -- Ginger Alexandra Morrow, 2018 Mule Day Queen.

House Joint Resolution No. 928 -- Memorials, Recognition -- Alayna Keeling, 2018 Mule Day Court, First Runner Up.

House Joint Resolution No. 929 -- Memorials, Recognition -- Jenny Claire Buckner, 2018 Mule Day Court, Second Runner Up.

House Joint Resolution No. 930 -- Memorials, Recognition -- Hallie Marshall, 2018 Mule Day Court, Third Runner Up.

House Joint Resolution No. 931 -- Memorials, Recognition -- Elley Colvett, 2018 Mule Day Court, Fourth Runner Up.

House Joint Resolution No. 932 -- Memorials, Professional Achievement -- Natalie Simms, Sevier County Primary Grades Teacher of the Year.

House Joint Resolution No. 933 -- Memorials, Death -- Mayor John Coombs.

House Joint Resolution No. 935 -- Memorials, Personal Occasion -- Melvin Turner, 102nd Birthday.

House Joint Resolution No. 936 -- Memorials, Recognition -- Pugh Family Farm, Tennessee Century Farm.

House Joint Resolution No. 937 -- Memorials, Retirement -- Chief Mark Sirois, Johnson City Police Department.

House Joint Resolution No. 938 -- Memorials, Recognition -- Michelle Park, Miss Black Clarksville 2018.

House Joint Resolution No. 939 -- Memorials, Recognition -- Melissa Stringfellow, Governor's Volunteer Stars Award.

House Joint Resolution No. 942 -- Memorials, Heroism -- the late Mary Frances Housley.

House Joint Resolution No. 943 -- Memorials, Retirement -- Barbara McGee Smith.

House Joint Resolution No. 945 -- Memorials, Death -- Olene Jones Hunt.

House Joint Resolution No. 946 -- Memorials, Recognition -- Dr. Reggie Anderson, 2018 Cheatham County Good Scout Award.

House Joint Resolution No. 947 -- Memorials, Recognition -- Buford L. "Booty" Reed, Jr., Dickson County 2018 Good Scout Award.

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House Joint Resolution No. 948 -- Memorials, Academic Achievement -- Abbey Grace Burton, Salutatorian, Sale Creek High School.

House Joint Resolution No. 949 -- Memorials, Academic Achievement -- Brandon Dean Nessell, Valedictorian, Sale Creek High School.

House Joint Resolution No. 950 -- Memorials, Academic Achievement -- Milla L. Tran, Salutatorian, Ooltewah High School.

House Joint Resolution No. 951 -- Memorials, Academic Achievement -- Phillip Mark Dyer, Valedictorian, Ooltewah High School.

Senator Roberts moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Senate Bill No. 1596 -- Purchasing and Procurement -- As introduced, allows local governments to make purchases of certain motor vehicles through a federal general service administration contract. Amends TCA Title 12, Chapter 3, Part 12.

Senate Bill No. 1691 -- Local Education Agencies -- As introduced, allows any LEA, rather than just the Metropolitan Nashville public school system, using the career academy or small learning community model to extend career and technical education (CTE) class sizes in grades nine through 12; allows an LEA to seek a waiver from the commissioner of education to extend the CTE class size average in grades nine through 12. Amends TCA Title 49, Chapter 1 and Title 49, Chapter 11.

On motion, Senate Bill No. 1691 was made to conform with **House Bill No. 1569**.

On motion, House Bill No. 1569, on same subject, was substituted for Senate Bill No. 1691.

Senate Bill No. 1773 -- Libraries -- As introduced, removes authority of a library board to have line-item control of budgeting and expenditure of moneys for the library fund and to set aside unencumbered funds in general fund or other funds of the library at the end of a fiscal year. Amends TCA Section 10-3-104.

Senate Bill No. 1921 -- Courts -- As introduced, enacts the "Uniform Commercial Real Estate Receivership Act." Amends TCA Title 29; Title 47; Title 48 and Title 66.

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Senate Bill No. 1923 -- Taxes, Ad Valorem -- As introduced, authorizes governing bodies to exclude from taxable value of property appearing on the assessment roll, the taxable value of properties subject to tax increment financing and properties within areas where an economic impact plan has been approved. Amends TCA Title 67.

Senate Bill No. 2413 -- Insurance, Health, Accident -- As introduced, requires the commissioner of commerce and insurance to study issues related to including screening for the hepatitis C virus as a part of preventive services or as a mandated health insurance benefit for health insurance entities regulated by the department including consideration of the benefits and costs of broad based or targeted screening for the hepatitis C virus; the commissioner shall report to the health committee of the house of representatives and the health and welfare committee of the senate on or before January 15, 2019. Amends TCA Title 56.

Senate Bill No. 2425 -- Regional Authorities and Special Districts -- As introduced, removes the requirement that each metropolitan planning organization's policy board ensures that the votes for any local government official be equally weighted and not based on population. Amends TCA Section 64-8-301.

Senate Bill No. 2648 -- Industrial Development -- As introduced, renames the Tennessee Technology Development Corporation by adding the designation "dba Launch Tennessee"; revises the purpose and functions of the corporation; increases, from three to seven years, the period during which commercial and financial information received by the corporation from an applicant remains confidential. Amends TCA Title 4, Chapter 14, Part 3.

Senate Bill No. 2707 -- Taxes, Hotel/Motel -- As introduced, increases, from 2.5 percent to 5 percent, the maximum amount of the occupancy tax that McMinnville is authorized to levy. Amends TCA Section 67-4-1425.

Senate Joint Resolution No. 593 -- General Assembly, Directed Studies -- Directs the Tennessee Advisory Commission on Intergovernmental Relations to study the overall effects on public education relative to having multiple school districts operating in the same county.

Senate Resolution No. 158 -- Basic Education Program (BEP) -- Confirms proposed changes in the basic education program funding formula.

House Joint Resolution No. 712 -- Memorials, Recognition -- National Healthy Schools Day 2018.

House Joint Resolution No. 723 -- General Assembly, Statement of Intent or Position -- Urges all agencies and institutions of higher education in Tennessee to encourage innovation in lowering the cost of textbooks.

Senator Roberts moved that all Senate Joint Resolutions and Senate Resolutions be adopted; all House Joint Resolutions be concurred in; and all Senate Bills and House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

CALENDAR

Senate Joint Resolution No. 521 -- Constitutional Amendments -- Proposes an amendment to Article III, Section 12 of the Constitution of Tennessee to provide for the exercise of powers and duties of the governor during disability.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following language immediately preceding the first resolving clause:

WHEREAS, the welfare and stability of the State are best served if a qualified person with governmental experience is immediately available to assume the powers and duties of the office of Governor when the Governor is declared unable to do so; now, therefore,

AND FURTHER AMEND by deleting the amendatory language of the first resolving clause in its entirety and substituting instead the following:

In the case of the inability of the Governor to discharge the powers and duties of the office as declared in writing by either the Governor or a majority of the Secretary of State, the State Treasurer, the Comptroller of the Treasury, and three commissioners of administrative departments designated by general law and upon the transmittal of the written declaration to the Speaker of the Senate and the Speaker of the House of Representatives, the powers and duties of the office shall be temporarily discharged by the Speaker of the Senate, or by the Speaker of the House of Representatives if that office is unoccupied, until the Governor transmits to the Speakers a written declaration to the contrary. During the time period a Speaker is temporarily discharging the powers and duties of the office of Governor, the Speaker shall not be considered as holding the office of Governor and therefore shall not be required to resign as Speaker or as a member of the General Assembly. A Speaker shall retain the Speaker's salary while temporarily discharging the powers and duties of the office of Governor, but shall not preside as Speaker or vote as a member of the General Assembly. To ensure continuity in the office of Governor, for the limited purposes contained herein, nothing in this section shall be construed to violate or be in conflict with any other provision of this Constitution.

On motion, Amendment No. 1 was adopted.

Senator Massey moved that the Clerk read the resolution, as amended, which motion prevailed.

The Clerk read the resolution, for the first time, as amended.

Thereupon, Mr. Speaker McNally declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 521**, as amended, had been read, for the first time.

Senator Roberts moved that **Senate Bill No. 1733** be rereferred to the Committee on Calendar, which motion prevailed.

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Senate Bill No. 1062 -- Boats, Boating -- As introduced, requires motorboats that carry passengers for hire to be inspected and approved by the Tennessee wildlife resources agency (TWRA); requires operators of motorboats carrying passengers for hire to be licensed by the TWRA; provides requirements for the operation of motorboats carrying passengers for hire. Amends TCA Title 68; Title 69 and Title 70.

Senator Southerland moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 9, Part 2, is amended by adding the following as a new section:

(a) Motorboats that carry passengers for hire shall:

(1) Only operate during the hours between ten o'clock a.m. (10:00 a.m.) and five o'clock p.m. (5:00 p.m.) on Monday through Friday;

(2) Only operate during the hours between ten o'clock a.m. (10:00 a.m.) and seven o'clock p.m. (7:00 p.m.) on Saturday and Sunday;

(3) Not travel at a speed greater than a no-wake speed within fifty feet (50') of any private or public dock or boat ramp;

(4) Not travel at any time at a speed greater than thirty-three nautical miles per hour (33 NMPH);

(5) Be subject to the noise level restrictions under part 3 of this chapter; and

(6) Not perform the maneuver commonly called a "donut" within one-hundred feet (100') of any private vessel or the shoreline.

(b) Beginning July 1, 2018, no person shall locate any outfitter or other business that carries passengers for hire on motorboats within five thousand feet (5,000') of another outfitter or other business that carries passengers for hire on motorboats.

(c) A person violating this section commits a Class C misdemeanor and, upon conviction of an offense, shall be fined fifty dollars (\$50.00) for each offense.

(d) This section shall only apply in a tourist resort county, as defined in § 42-1-301.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

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Thereupon, **Senate Bill No. 1062**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 1407 -- Education -- As introduced, changes, from February 15 to March 15, the date by which the Tennessee higher education commission must report any notices of intent to initiate out-of-state instructional activity filed by a higher education institution in the previous year to the chairs of the fiscal review committee, the education committee of the senate, and the education administration and planning committee of the house of representatives. Amends TCA Title 49.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-13-108(a), is amended by deleting subdivision (3) and substituting instead the following:

(3) The grounds upon which the local board of education based a decision to deny a public charter school application must be stated in writing, specifying objective reasons for the denial. Upon receipt of the grounds for denial, the sponsor shall have thirty (30) days within which to submit an amended application to correct the deficiencies. The local board of education shall have sixty (60) days either to deny or to approve the amended application. Should the local board of education fail to either approve or deny the amended application within sixty (60) days, the amended application shall be deemed approved.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to charter applications filed on or after that date.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1407**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 1758 -- Notary Public -- As introduced, authorizes electronic acknowledgments and online notarizations for certain transactions. Amends TCA Title 8 and Title 66.

Senator Kelsey declared Rule 13 on **Senate Bill No. 1758**.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Section 66-22-101, is amended by deleting the section and substituting instead the following:

(a) Unless otherwise provided by law, to authenticate an instrument or document for registration or recording in the office of the county register, the maker or the natural person acting on behalf of the maker shall execute the instrument or document by that person's original signature, and the signature shall be either acknowledged according to law or proved by at least two (2) subscribing witnesses. The county register may refuse to record any instrument or document not authenticated in accordance with this section.

(b) For purposes of this section, "person's original signature" includes an electronic signature as defined in § 8-16-302.

(c) For purposes of this title and subject to subsection (d), a person may personally appear before the officer taking the acknowledgment by:

(1) Appearing physically before the officer; or

(2) Appearing by means of an interactive two-way audio and video communication that meets the online notarization requirements under rules promulgated by the secretary of state pursuant to the Online Notary Public Act, compiled in title 8, chapter 16, part 3, to provide for the orderly administration of this chapter.

(d) The acknowledging officer must designate in the acknowledgment form whether the principal personally appeared before the officer by means of an interactive two-way audio and video communication pursuant to subdivision (c)(2). If the person appears by means of an interactive two-way audio and video communication, the appearance and the certificate shall be deemed compliant with this chapter if the acknowledging officer amends the acknowledgment forms set forth in §§ 66-22-107, 66-22-108, and 66-22-114, to read "personally appeared before me by audio-video communication" or "personally appeared by audio-video communication" or "before me appear by audio-video communication" rather than "personally appeared before me" or "personally appeared" or "before me appear".

SECTION 2. Tennessee Code Annotated, Title 8, Chapter 16, is amended by adding the following as a new part:

8-16-301. Short title. This part shall be known and may be cited as the "Online Notary Public Act."

8-16-302. Part definitions. As used in this part:

(1) "Appear" or "appearance" or "personally appear" means:

(A) Appearing physically before a notary public; or

(B) Appearing before an online notary public by means of an interactive two-way audio and video communication that meets the online notarization requirements under rules promulgated by the secretary of state;

(2) "Credential analysis" means a process or service operating as outlined in rules promulgated by the secretary of state, through which a third person affirms the validity of a government-issued identification credential through review of public and proprietary data sources;

(3) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(4) "Electronic document" means information that is created, generated, sent, communicated, received, or stored by electronic means;

(5) "Electronic notarial certificate" means the portion of a notarized electronic document that is completed by an online notary public and contains the following:

(A) The online notary public's electronic signature, electronic seal, title, and commission expiration date;

(B) Other information required by the secretary of state in rule concerning the date and place of the online notarization; and

(C) The facts attested to or certified by the online notary public in the particular notarization;

(6) "Electronic seal" means information within a notarized electronic document that confirms the online notary public's name, jurisdiction, identifying number, and commission expiration date and generally corresponds to information in notary seals used on paper documents;

(7) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document;

(8) "Identity proofing" means a process or service operating according to criteria as outlined in rules promulgated by the secretary of state, through which a third person affirms the identity of an individual through review of personal information in public and proprietary data sources;

(9) "Notarial act" means the performance by an online notary public of a function authorized under § 8-16-112;

(10) "Online notarization" means a notarial act performed by means of two-way video and audio conference technology that meets the standards adopted under § 8-16-305;

(11) "Online notary public" means a notary public who is a commissioned notary public and has been additionally commissioned to perform online notarizations as outlined in this part;

(12) "Principal" means an individual:

(A) Whose electronic signature is notarized in an online notarization; or

(B) Who appears before and provides an acknowledgement of or takes an oath or affirmation from the online notary public but not in the capacity of a witness for the online notarization; and

(13) "Remote presentation" means transmission to the online notary public through communication technology of an image of a government-issued identification credential that is of sufficient quality to enable the online notary public to:

(A) Identify the individual seeking the online notary public's services; and

(B) Perform credential analysis.

8-16-303. Applicability of part. This part only applies to online notarizations.

8-16-304. Rulemaking. The secretary of state shall promulgate rules necessary to implement this part, including rules to facilitate online notarizations. Rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

8-16-305. Standards for online notarization.

(a) The secretary of state shall promulgate by rule standards for online notarization in accordance with this part, including standards for credential analysis and identity proofing.

(b) The secretary of state may confer with other appropriate agencies on matters relating to equipment, security, and technological aspects of the online notarization standards.

8-16-306. Application; qualifications.

(a) A person who has been commissioned as a notary public may apply to the secretary of state to be commissioned as an online notary public in the manner provided by this section.

(b) A person qualifies to be commissioned as an online notary public by:

(1) Satisfying the qualification requirements for appointment as a notary public under part 1 of this chapter; and

(2) Submitting to the secretary of state an application in the form prescribed by the secretary of state that satisfies the secretary of state that the applicant is qualified.

(c) The application required by subsection (b) must include:

(1) The applicant's legal name as listed in the records of the county where the applicant is commissioned as a notary;

(2) The applicant's physical address in this state, which includes the street address, city, state, and zip code. However, the applicant may provide a post office box number for purposes of receiving mail from the secretary of state;

(3) A valid email address for the applicant;

(4) A valid telephone number of the applicant;

(5) The county in this state where the notary was commissioned as well as the date the notary was commissioned and the date the notary commission expires;

(6) Any other information deemed necessary by the secretary of state for the purpose of determining whether the applicant qualifies to become an online notary; and

(7) A certification that the applicant will comply with the secretary of state's standards promulgated pursuant to § 8-16-305.

(d) The secretary of state may charge a fee for an application submitted under this section not to exceed an amount necessary to administer this part.

8-16-307. Performance of notarial acts. An online notary public:

(1) Is a notary public for purposes of this chapter, is subject to this chapter, and must be appointed and commissioned as a notary public under this chapter;

(2) May perform notarial acts as provided in part 1 of this chapter; and

(3) May perform an online notarization, without regard to the physical location of the principal, if the notary is physically located in this state.

8-16-308. Electronic record of online notarizations.

(a) An online notary public shall keep a secure electronic record of electronic documents notarized by the online notary public. The record may be kept in one (1) or more electronic journals. The electronic record must contain for each online notarization:

(1) The date and time of the notarization;

(2) The type of notarial act;

(3) The type, the title, or a description of the electronic document or proceeding;

(4) The printed name and address of each principal involved in the transaction or proceeding;

(5) Evidence of identity of each principal involved in the transaction or proceeding in the form of:

(A) A statement that the person is personally known to the online notary public;

(B) A notation of the type of identification document provided to the online notary public;

(C) A record of the identity verification made, if applicable; or

(D)(i) The printed name and address of each credible witness swearing to or affirming the person's identity; and

(ii) For each credible witness not personally known to the online notary public, a description of the type of identification documents provided to the online notary public;

(6) A recording of any video and audio conference that is the basis for satisfactory evidence of identity and a notation of the type of identification presented as evidence; and

(7) The fee, if any, charged for the notarization.

(b) The online notary public shall take reasonable steps to:

(1) Ensure the integrity, security, and authenticity of online notarizations;

(2) Maintain a backup for the electronic record required by subsection (a); and

(3) Protect the backup record from unauthorized use.

(c) The electronic record required by subsection (a) must be maintained for at least five (5) years after the date of the transaction or proceeding requiring notarization. The notary, or a guardian or personal representative of an incapacitated or deceased notary, may by agreement use a repository acting in accordance with any rules established under this chapter to maintain such records.

8-16-309. Use of electronic record, signature, and seal.

(a) An online notary public shall take reasonable steps to ensure that any registered device used to create an electronic signature is current and has not been revoked or terminated by the device's issuing or registering authority.

(b) An online notary public shall keep the online notary public's electronic record, electronic signature, and electronic seal secure and under the online notary public's exclusive control, which includes access protection through the use of passwords or codes under control of the notary public. No online notary public shall allow another person to use the online notary public's electronic record, electronic signature, or electronic seal.

(c) An online notary public may only use the online notary public's electronic signature for performing online notarizations.

(d) An online notary public shall attach the online notary public's electronic signature and electronic seal to the electronic notarial certificate of an electronic document in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic document evident.

(e) An online notary public shall immediately notify an appropriate law enforcement agency and the secretary of state of the theft or vandalism of the online notary public's electronic record, electronic signature, or electronic seal. An online notary public shall immediately notify the secretary of state of the loss or use by another person of the online notary public's electronic record, electronic signature, or electronic seal.

8-16-310. Online notarization procedures.

(a) In performing an online notarization, an online notary public shall verify the identity of a person creating an electronic signature at the time that the signature is taken by using two-way video and audio conference technology that meets the requirements of this part and rules promulgated pursuant to this part. Identity may be verified by:

(1) The online notary public's personal knowledge of the person creating the electronic signature; or

(2)(A) Remote presentation by the person creating the electronic signature of a government-issued identification credential, including a passport or driver's license, that contains the signature and a photograph of the person;

(B) Credential analysis of the credential described in subdivision (a)(2)(A); and

(C) Identity proofing of the person described in subdivision (a)(2)(A).

(b) The online notary public shall take reasonable steps to ensure that the two-way video and audio communication used in an online notarization is secure from unauthorized interception.

(c) The electronic notarial certificate for an online notarization must include a notation that the notarization is an online notarization.

(d) The validity of an online notarization performed by an online notary public of this state in accordance with this chapter shall be determined by applying the laws of this state.

8-16-311. Fees for online notarization. An online notary public or the online notary public's employer may charge a fee in an amount not to exceed twenty-five dollars (\$25.00) each for performing an online notarization in addition to any other fees authorized under this chapter.

8-16-312. Termination of online notary public's commission.

(a) The secretary of state shall terminate the commission of an online notary public if the online notary fails to comply with this chapter.

(b) Except as provided in subsection (c), an online notary public whose commission terminates shall destroy the coding, disk, certificate, card, software, or password that enables electronic affixation of the online notary public's official electronic signature or seal. The online notary public shall certify compliance with this subsection (b) to the secretary of state as provided in rule.

(c) A former online notary public whose commission terminated for a reason other than revocation or a denial of renewal is not required to destroy the items described in subsection (b) if the former online notary public is recommissioned as an online notary public with the same electronic signature and seal within three (3) months after the former commission terminated.

8-16-313. Wrongful possession of software or hardware; criminal offense.

(a) It is an offense for a person who, without authorization, knowingly obtains, conceals, damages, or destroys the certificate, disk, coding, card, program, software, or hardware enabling an online notary public to affix an official electronic signature or electronic seal.

(b) A violation of this section is a Class D felony.

SECTION 3. Tennessee Code Annotated, Section 8-16-112, is amended by designating the existing language (a) and adding the following new subsection (b):

(b) The requirement of a notary public's signature in ink by the notary's hand and a seal is satisfied if an electronic signature or a digitized image of a wet signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

SECTION 4. Tennessee Code Annotated, Section 8-16-114, is amended by adding the following subsection (b) and redesignating the current subsection (b) and subsequent subsections accordingly:

(b) The requirement in subsection (a) of an official seal of office or stamp imprinted in color ink is satisfied by an electronically transmitted document, if the document legibly reproduces the required elements of the seal. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

SECTION 5. For administrative and rulemaking purposes, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2019, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1758**, as amended, passed its third and final consideration by the following vote:

Ayes 28
Noes 1

Senators voting aye were: Bailey, Bell, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--28.

Senator voting no was: Pody--1.

A motion to reconsider was tabled.

Senate Bill No. 1783 -- Highways, Roads and Bridges -- As introduced, reallocates funds generated by the tax on overweight freight vehicles that currently go to the highway fund to the general fund. Amends TCA Title 55.

Senator Bailey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-113(a)(7)(B), is amended by deleting the subdivision and substituting instead the following:

(B) When a vehicle on which the tax has not been paid is found in operation, the owner or operator shall be required to register the vehicle and, in addition to the statutory registration taxes, shall be subject to a tax assessed at the rate of ten cents (10¢) per pound on each pound of weight for which no Tennessee tax has been previously paid;

SECTION 2. Tennessee Code Annotated, Section 55-4-113(a)(7)(C), is amended by deleting the subdivision and substituting instead the following:

(C) When a vehicle registered in some class adequate for its lawful operational weight is found in operation at a weight exceeding the limit of the license, for which the tax has been paid, the operator shall be assessed an additional tax at the rate of ten cents (10¢) per pound on each pound of weight for which no Tennessee tax has been previously paid;

SECTION 3. Tennessee Code Annotated, Section 55-4-113(a)(7)(E), is amended by deleting the subdivision and substituting instead the following:

(E) When the operator of any freight motor vehicle shall fail to load it or have it loaded in a manner and at weights conforming to the axle weight limitations set forth in this subdivision (a)(7), there shall be imposed a tax assessed on the basis of ten cents (10¢) per pound on each pound of weight that exceeds the limit on an axle or group of axles. Except, with respect to vehicles being used to transport the products identified under § 55-7-203(b)(6), liability for the tax imposed by this subdivision (a)(7)(E) shall only begin to run commencing with the first pound that exceeds the total weight allowable for the number and type of its axles. On an overweight poundage of the axle weight limit imposed for the classification in which a freight motor vehicle is registered, the tax per pound of the overage shall be ten cents (10¢) per pound;

SECTION 4. Tennessee Code Annotated, Section 55-4-113(a)(7)(F), is amended by deleting the subdivision and substituting instead the following:

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(F) When any freight motor vehicle is found in operation with a gross weight in excess of the road and bridge weights posted by the commissioner of transportation pursuant to § 55-7-205, or weight that exceeds the maximum allowable under an overweight permit issued by the commissioner, the operator of a vehicle shall be assessed a tax at the rate of ten cents (10¢) per pound for each pound of excess weight;

SECTION 5. Tennessee Code Annotated, Section 55-4-113(a)(7)(J)(i), is amended by deleting the language "five cents (5¢)" and substituting instead the language "ten cents (10¢)".

SECTION 6. Tennessee Code Annotated, Section 55-4-113(a)(7)(L), is amended by deleting the language "classification." and substituting instead the language "classification and payment of a two hundred dollar (\$200) administrative fee, and no citation shall be issued for a violation of subdivision (a)(7)(C), (a)(7)(E), (a)(7)(F), or (a)(7)(J)."

SECTION 7. This act shall take effect January 1, 2019, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1783**, as amended, passed its third and final consideration by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 1806 -- Education, Dept. of -- As introduced, prohibits the department and the state board of education from mandating assessments for any grades or subjects beyond those mandated during the 2016-2017 school year until the 2021-2022 school year. Amends TCA Title 49, Chapter 6, Part 60.

On motion, Senate Bill No. 1806 was made to conform with **House Bill No. 1855**.

On motion, House Bill No. 1855, on same subject, was substituted for Senate Bill No. 1806.

On motion of Senator Gresham, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 1855** passed its third and final consideration by the following vote:

Ayes	29
Noes	0

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Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

Senate Bill No. 1858 -- Advertising -- As introduced, requires the commissioner of transportation to process an application for a billboard permit within 180 days, instead of using best efforts to process the application within such time period; allows commissioner to provide applicants with an application timeline. Amends TCA Title 54, Chapter 21.

On motion, Senate Bill No. 1858 was made to conform with **House Bill No. 2342**.

On motion, House Bill No. 2342, on same subject, was substituted for Senate Bill No. 1858.

On motion of Senator Johnson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2342** passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

Senator Jackson moved that **Senate Bill No. 1929** be placed on the Calendar for Thursday, March 29, 2018, which motion prevailed.

Senate Bill No. 1957 -- Utilities, Utility Districts -- As introduced, removes authorization to transfer certain duties of the county mayor to certain water and wastewater treatment authorities. Amends TCA Title 5, Chapter 6, Part 1; Title 68, Chapter 221, Part 13 and Title 68, Chapter 221, Part 6.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 5-6-120(a)(1), is amended by adding the following language immediately after the first sentence:

The preceding sentence does not apply to any petition by any governmental entity or state instrumentality that does not purport to adjust or otherwise modify any territory included in the service area of a water and wastewater treatment authority.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1957**, as amended, passed its third and final consideration by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Bailey, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--28.

A motion to reconsider was tabled.

Senate Bill No. 1971 -- Liens -- As introduced, creates a streamlined process for certain public officials to contest liens on real property that they believe to lack any legal basis. Amends TCA Section 47-9-513 and Title 66, Chapter 21, Part 1.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 21, Part 1, is amended by adding the following new section:

(a) As used in this section, "public official" means:

(1) An individual who is a current or retired elected or appointed government official, including a state, county, metropolitan, or municipal official;

(2) An individual who is the head of a division or major unit or department within an agency or office of the executive, judicial, or legislative branch of state, county, metropolitan, or municipal government, regardless of the title of the position, and who, as a substantial part of the individual's duties, provides meaningful input on the development of policy goals or the implementation of policy;

(3) A high-ranking employee within the executive, judicial, or legislative branch of state, county, metropolitan, or municipal government who has a primary responsibility for one (1) or more of the following functions:

(A) Public information and legislative affairs;

(B) Fiscal, budget, and audit matters;

(C) Legal, security, or internal affairs;

(D) Information technology systems; and

(E) Human resources;

(4) A first responder, as defined in § 29-34-203; or

(5) A law enforcement officer, as defined in § 39-11-106.

(b)(1) A public official who is the subject of a lien, encumbrance, or any other document that reasonably constitutes a cloud on the title of a real property interest, filed with the register of any county, may file with the register a notarized affidavit, signed under penalty of perjury, that contains:

(A) A recital designating the type of instrument, office, book, and page number of the instrument;

(B) The affiant's mailing address;

(C) A statement that the affiant is a public official;

(D) A statement that the affiant believes that the document was filed without any reasonable basis or legal cause, and the affiant's factual basis for why the filed document lacks any reasonable basis or legal cause; and

(E) A statement that the affiant is not filing the affidavit contesting any document held by any entity listed in subsection (k).

(2) The secretary of state shall adopt a form of affidavit for use under subdivision (b)(1) and a form of certification for use under subsection (f).

(c) Once an affidavit is filed with the register pursuant to subdivision (b)(1), the register shall indicate on any available indices that the document referenced in subdivision (b)(1)(A) is "Contested - Under Review."

(d)(1) Within three (3) business days of filing an affidavit filed pursuant to subdivision (b)(1), the public official shall send a copy of the affidavit, by registered or certified mail, with return receipt requested, addressed to the filing party at the address listed on the lien, encumbrance, or other document.

(2) The copy of the affidavit is deemed delivered upon:

(A) Acceptance by the filing party;

(B) A showing that the filing party refused to accept delivery and it is so stated in the return receipt of the United States postal service; or

(C) The United States postal service returning the affidavit as undeliverable or unclaimed.

(3) The refusal or failure of the filing party to accept delivery of the registered or certified mail, or the refusal or failure to sign the return receipt, does not affect the validity of delivery of the affidavit, and a filing party who refuses or fails to accept delivery of the registered or certified mail is charged with knowledge of the contents of the affidavit.

(e)(1) Within twenty (20) business days of delivery of the affidavit to the filing party or refusal or failure to sign the return receipt, or notice by the United States postal service that the affidavit is undeliverable, a filing party who believes in good faith that the lien, encumbrances, or other document was filed with a reasonable basis or legal cause, may file an action seeking a determination in the chancery court of the county where the document was filed pursuant to title 29, chapter 14. The action must name the public official as an interested party in its caption.

(2) A petition filed pursuant to subdivision (e)(1) must set forth the factual basis showing that the filed lien, encumbrance, or other document was filed with a reasonable basis or legal cause, and must be accompanied by a cost bond in the amount of two hundred dollars (\$200).

(3) Any person who shares a property interest with the public official that is adversely affected by the filed lien, encumbrance, or other document may join in the action as an interested party.

(4) Following a reasonable period for responsive pleadings and discovery, the chancellor shall preside over a hearing at which proof may be offered on the issues raised and shall make a determination and issue a decree as to whether the lien, encumbrance, or other document was filed with any reasonable basis or legal cause at the close of the proceedings.

(f)(1) If, within twenty (20) business days of delivery of the affidavit to the filing party under subdivision (d), a petition and cost bond has not been filed as required by subdivision (e)(2), the public official may file with the register a certification, signed by the public official under penalty of perjury and verified by the clerk and master, stating that no petition has been filed.

(2) If the lien, encumbrance, or other document described in subdivision (b)(1) does not contain the name or address of the filing party, plaintiff, complainant, lienor, or owner of the lien, the public official may file with the register a certification, signed by the public official under penalty of perjury stating that the aforementioned name or address was not available.

(3) Any certification filed pursuant to subdivision (f)(1) or (f)(2) must include a recital designating the type of instrument, office, book, and page number of the instrument identifying the lien, encumbrance, or other document referenced in the affidavit filed pursuant to subdivision (b)(1) and shall serve as a release of the lien, encumbrance, or other document.

(g) If, following the hearing on a petition filed under subsection (e), the chancellor determines that there is reasonable basis or legal cause for the filing of the document, the filing party may file a final, unappealable court decree with the register, and the register shall remove the "Contested - Under Review" indication from the public records and the effectiveness of the lien, encumbrance, or other document must be reflected as the original date of filing.

(h) If, following the hearing on a petition filed under subsection (e), the chancellor determines that the lien, encumbrance, or other document was filed without any reasonable basis or legal cause, the public official may file a final, unappealable court decree with the register which shall serve as a release of the lien, encumbrance, or other document.

(i) The prevailing party in any action filed pursuant to subsection (e), including any person sharing a property interest with the public official, may recover costs and expenses, including reasonable attorneys' fees that are incurred in the action.

(j) Any governmental entity, as defined in § 29-20-102, may elect to insure or indemnify any public official for the cost of defending and removing liens, encumbrances, or other documents as described in this section, or any financing statements similarly filed and challenged pursuant to § 47-9-513(e), and for any other costs related to defending and removing a lien, encumbrance, or other document, but not including consequential damages. Any insurance or indemnification pursuant to this subsection (j) must be upon terms and conditions as the governmental entity establishes.

(k) This section providing for affidavits filed by public officials contesting liens, encumbrances, or other documents that reasonably constitute a cloud on the title of a real property interest does not apply to liens, encumbrances, or other documents if the originator, owner, or holder of the debt is any of the following:

(1) A state or national bank or trust company insured by the federal deposit insurance corporation or an operating subsidiary of such a bank or trust company;

(2) A state or federal credit union insured by the national credit union administration;

(3) A residential mortgage lender or an industrial loan and thrift company licensed by the Tennessee department of financial institutions;

(4) An entity regulated by the federal farm credit administration;

(5) The federal housing administration (FHA);

(6) A federal home loan bank;

(7) The federal national mortgage association (FannieMae);

(8) The federal home loan mortgage corporation (FreddieMac);

(9) The federal agricultural mortgage corporation (FarmerMac);

(10) The veterans administration (VA); or

(11) Any lien, encumbrance, or other document that is filed with the register, where the mortgage electronic registration system is listed as the nominee for the originator, owner, or holder of the debt.

SECTION 2. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2018, and shall apply to liens, encumbrances, or other documents, regardless of when filed, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 1971**, as amended, passed its third and final consideration by the following vote:

Ayes	28
Noes	1

Senators voting aye were: Bailey, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--28.

Senator voting no was: Pody--1.

A motion to reconsider was tabled.

Senate Bill No. 1976 -- Public Funds and Financing -- As introduced, allows political subdivisions with defined benefit pension plans to use actuaries that may also be members of the American Society of Pension Professionals and Actuaries or other professional organizations for actuaries, in addition to being members of the American Academy of Actuaries. Amends TCA Title 9, Chapter 3, Part 5.

On motion, Senate Bill No. 1976 was made to conform with **House Bill No. 2222**.

On motion, House Bill No. 2222, on same subject, was substituted for Senate Bill No. 1976.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

On motion of Senator Yager, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2222** passed its third and final consideration by the following vote:

Ayes	30
Noes	0

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Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senate Bill No. 1988 -- Public Funds and Financing -- As introduced, requires state treasurer to notify a qualified public depository of the effective date of the depository's withdrawal from the collateral pool for public deposits no less than 45 days, rather than no less than 30 days, prior to the effective date of that withdrawal. Amends TCA Title 9, Chapter 4.

On motion, Senate Bill No. 1988 was made to conform with **House Bill No. 2069**.

On motion, House Bill No. 2069, on same subject, was substituted for Senate Bill No. 1988.

On motion of Senator Watson, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2069** passed its third and final consideration by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

Senate Bill No. 2022 -- Medical Occupations -- As introduced, establishes an opioid abuse and diversion hotline operated by the department of health; prohibits civil liability for or firing of a person who reports suspected abuse or diversion to the hotline. Amends TCA Title 50 and Title 63.

On motion, Senate Bill No. 2022 was made to conform with **House Bill No. 2004**.

On motion, House Bill No. 2004, on same subject, was substituted for Senate Bill No. 2022.

On motion of Senator Crowe, Amendment No. 1 was withdrawn.

Senator Haile moved that **House Bill No. 2004** be moved three places down on the Calendar for today, which motion prevailed.

Senate Bill No. 2025 -- Controlled Substances -- As introduced, authorizes a partial fill of a prescription of an opioid. Amends TCA Title 53 and Title 63.

Senator Crowe moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 1, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Original prescription" means a prescription for a controlled substance from an authorized prescriber that is presented by the patient to the pharmacist or submitted electronically to the pharmacy; and

(2) "Partial fill" means a prescription filled in a lesser quantity than the amount specified on the prescription for the patient.

(b)(1) A prescription for a controlled substance may be partially filled if:

(A) The partial fill is requested by the patient or the practitioner who wrote the prescription; and

(B) The total quantity dispensed through partial fills pursuant to subdivision (b)(1)(A) does not exceed the total quantity prescribed for the original prescription.

(2) If a partial fill is made, the pharmacist shall retain the original prescription at the pharmacy where the prescription was first presented and the partial fill dispensed.

(3) Any subsequent fill shall occur at the pharmacy that initially dispensed the partial fill. Any subsequent fill shall be filled within thirty (30) days from issuance of the original prescription.

(c)(1) If a partial fill is dispensed, the pharmacist shall only record in the controlled substance database the partial fill amount actually dispensed.

(2) If a partial fill is dispensed, the pharmacist shall notify the prescribing practitioner of the partial fill and of the amount actually dispensed:

(A) Through a notation in the interoperable electronic health record of the patient;

(B) Through submission of information to the controlled substance database;

(C) By electronic or facsimile transmission; or

(D) Through a notation in the patient's record that is maintained by the pharmacy, and that is accessible to the practitioner upon request.

(3) Nothing in this section shall be construed to conflict with or supersede any other requirement established in this part or title 53, chapter 10 or 11, for a prescription of a controlled substance.

(d) A person who presents a prescription for a partial fill pursuant to this section is required to pay the required cost sharing or copayment as required by the person's health insurance coverage for the partial fill of a prescription.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2025**, as amended, passed its third and final consideration by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--28.

A motion to reconsider was tabled.

Senator Yager moved that **Senate Bill No. 2058** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 2068 -- Utilities, Utility Districts -- As introduced, deletes reference to the abolished state planning office to which a county is required to submit a plan of services prior to adopting a resolution establishing urban type public facilities in the county when there is no other planning commission to submit such plan. Amends TCA Title 5, Chapter 16.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 5-16-103, is amended by adding the following as a new subsection:

(n) Notwithstanding subsections (a)-(d), a county having a population greater than nine hundred thousand (900,000), according to the 2010 federal census or any subsequent federal census, that creates a county board of public utilities on or after the effective date of this act may call, in the resolution creating the board, for the election of the members of the board at the regular August election. The resolution shall:

(1) Specify the number of members of the board of public utilities;

- (2) Specify the length of the terms of the members;
- (3) Provide for the staggering of terms;
- (4) Provide for the removal of members;
- (5) Provide for the filling of vacancies on the board; and
- (6) Specify the compensation for the members, if any.

SECTION 2. Tennessee Code Annotated, Section 5-16-109, is amended by adding the following as a new subsection:

(c) A board or administrative agency that is increasing the charges for fire protection services by more than ten percent (10%) shall obtain approval for such increase from the county legislative body prior to the increase taking effect. This subsection applies in any county having a population greater than nine hundred thousand (900,000), according to the 2010 federal census or any subsequent federal census.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2068**, as amended, passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 2004

Thereupon, **House Bill No. 2004** passed its third and final consideration by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

Senate Bill No. 2089 -- Highways, Roads and Bridges -- As introduced, changes from 1,000 feet to 300 meters the distance on either side of designated Tennessee scenic highways for which the power of eminent domain may be utilized to remove existing advertising structures or junkyards. Amends TCA Title 54, Chapter 17, Part 1.

Senator Bailey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 54-17-114(a)(1)(A), is amended by deleting the subdivision in its entirety and substituting instead the following:

(a) That portion of Kingston Pike bearing the designation of State Highway 1 and United States Highway 11-70 in Knox County from its intersection with Concord Street and Neyland Drive in the City of Knoxville westward to the intersection of Kingston Pike with Lyons View Drive; provided, however, that the height restrictions as to property use contained in this part shall not apply in the City of Knoxville to any property fronting on Kingston Pike on the north side, from 4315 Kingston Pike to the west (Tax Parcel ID 107LA019), that is zoned commercial under the City of Knoxville zoning ordinance;

SECTION 2. Tennessee Code Annotated, Section 54-17-114(a)(1)(B), is amended by deleting the subdivision in its entirety and substituting instead the following:

(B) On or after the effective date of this act, that portion of Lyons View Drive from its intersection with Kingston Pike, westward to its intersection with Northshore Drive in Knox County; provided, however, that the height restrictions on buildings imposed by, and any other restrictions as to property use contained in, this part shall not apply in the City of Knoxville to any property fronting on Kingston Pike on the north side that is zoned commercial under the City of Knoxville zoning ordinance;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to any building permit issued on or after such date and to any construction pursuant to that permit beginning on or after such date.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2089**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

Senator Jackson moved that **Senate Bill No. 2126** be placed on the Calendar for Monday, April 2, 2018, which motion prevailed.

Senate Bill No. 2260 -- Education, Higher -- As introduced, enacts the University of Tennessee Focusing on Campus and University Success (FOCUS) Act; reconstitutes the board of trustees of the University of Tennessee. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 9.

Senator Bell moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. This act shall be known and may be cited as the "University of Tennessee Focusing on Campus and University Success (FOCUS) Act."

SECTION 2. Tennessee Code Annotated, Section 49-9-201, is amended by deleting the section in its entirety and substituting the following:

49-9-201. Board of trustees.

The governing body of the University of Tennessee shall be the board of trustees, established in § 49-9-202.

SECTION 3. Tennessee Code Annotated, Section 49-9-202, is amended by deleting the section in its entirety and substituting the following:

(a)(1) As of July 1, 2018, the existing membership of the board of trustees of the University of Tennessee is vacated and reconstituted to consist of one (1) ex officio voting member, who shall be the commissioner of agriculture, and ten (10) voting members appointed by the governor.

(2)(A) The governor shall appoint at least two (2) residents of each grand division of the state. For purposes of this subdivision (a)(2)(A), "resident" means a person whose legal domicile is in the grand division from which appointed.

(B) At least five (5) of the members appointed by the governor must be alumni of the University of Tennessee. For purposes of this subdivision (a)(2)(B), "alumni" means a person who earned a degree at an institution of the University of Tennessee.

(C) At least seven (7) of the members appointed by the governor must be residents of the state of Tennessee. For purposes of this subdivision (a)(2)(C), "resident" means a person whose legal domicile is the state of Tennessee.

(D) In making appointments, the governor shall strive to ensure that the board of trustees is composed of members who are diverse in sex, race, perspective, and experience.

(b) The following individuals are prohibited from serving as an appointed member of the board of trustees for so long as they hold the office or position:

(1) Employees of any public institution of higher education;

(2) Elected officials;

(3) State employees; and

(4) Members of a governing body for any other public institution of higher education.

(c)(1)(A) Except as otherwise provided in this subsection (c), the ten (10) members of the board of trustees appointed by the governor pursuant to subsection (a) must be confirmed by the senate and the house of representatives prior to beginning a term of office.

(B) Except as otherwise provided in this subsection (c), all appointments of the board members by the governor shall be confirmed by joint resolution, adopted first by the senate and then by the house of representatives, prior to the commencement of the term of office to which the member is appointed.

(C) If either house fails to confirm the appointment of a board member by the governor within ninety (90) calendar days after the general assembly next convenes in regular session following such appointment, the appointment terminates on the day following the ninetieth calendar day.

(2) If the general assembly is not in session when initial gubernatorial appointments are made, all such initial appointees shall serve the terms prescribed pursuant to § 49-9-203, unless the appointments are not confirmed during the next regular session of the general assembly following the appointments in accordance with subdivision (c)(1).

(3) If the general assembly is not in session at the time a member is appointed by the governor to fill a vacancy resulting from the expiration of a term, the member whose term has expired serves until a new appointee is confirmed in accordance with subdivision (c)(1).

(4) If the general assembly is not in session at the time a member is appointed by the governor to fill a vacancy not resulting from the expiration of a term, the new appointee serves for the term appointed unless the appointment is not confirmed during the next regular session of the general assembly following the appointment in accordance with subdivision (c)(1).

(5) All gubernatorial appointed members shall be subject to removal from the board of trustees by a two-thirds (2/3) majority vote of each house of the general assembly for misconduct, incapacity, or neglect of duty. Such removal shall be by passage of a joint resolution adopted first by the senate and then by the house of representatives.

(d) Members of the board of trustees shall be reimbursed for travel expenses in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

(e) The reconstituted board of trustees shall assume responsibility beginning July 1, 2018. The reconstitution of the board of trustees has no effect on any action taken by the board of trustees prior to July 1, 2018, unless inconsistent with this act.

(f) The governor is authorized to call the initial meeting of the reconstituted board of trustees to occur on or after July 1, 2018.

SECTION 4. Tennessee Code Annotated, Section 49-9-203, is amended by deleting the section in its entirety and substituting the following:

(a) The initial terms of the members of the board of trustees of the University of Tennessee appointed by the governor pursuant to § 49-9-202(a) shall be two (2), four (4), and six (6) years. Three (3) members shall serve a two-year term; four (4) members shall serve a four-year term; and three (3) members shall serve a six-year term. For all subsequent appointments, members of the board of trustees appointed pursuant to § 49-9-202(a) shall be appointed to serve terms of six (6) years beginning July 1 of the year of appointment and ending on June 30.

(b) Members appointed by the governor pursuant to § 49-9-202(a) are eligible to succeed themselves; provided, that no person may serve more than two (2) consecutive terms, whether appointed as an initial member, as a successor member, or to fill a vacancy. A member who serves two (2) consecutive terms may be reappointed after four (4) years have elapsed since the individual's last date of service on the board of trustees.

SECTION 5. Tennessee Code Annotated, Section 49-9-204, is amended by deleting the section in its entirety and substituting the following:

(a) If a vacancy on the board of trustees of the University of Tennessee occurs by death or resignation, the governor shall appoint a successor for the remainder of the term, subject to § 49-9-202(c). If a vacancy occurs by reason of expiration of a term, the member whose term has expired shall serve until a successor is appointed and confirmed.

(b) The cessation of any member's legal domicile in the grand division that the member represents pursuant to § 49-9-202(a)(2)(A), or the cessation of any member's legal domicile in the state that results in a failure to satisfy § 49-9-202(a)(2)(C), vacates the member's position. The governor shall appoint a person satisfying the requirement as a successor for the remainder of the term, subject to § 49-9-202(c).

(c) The failure of a member to attend more than fifty percent (50%) of the regular meetings in a calendar year shall be cause for the member's removal and shall authorize the board to call on the governor to appoint a successor; provided, that this requirement does not apply to any ex officio member.

SECTION 6. Tennessee Code Annotated, Section 49-9-205(b), is amended by deleting the subsection in its entirety and substituting the following:

(b) Six (6) members shall constitute a quorum, and they are empowered to transact any business.

SECTION 7. Tennessee Code Annotated, Section 49-9-206, is amended by deleting the section in its entirety and substituting the following:

49-9-206. Committees.

(a)(1) The board of trustees of the University of Tennessee shall appoint an executive committee of five (5) of its members as a standing committee of the board.

(2) In appointing members to the executive committee, the board of trustees shall strive to appoint at least one (1) person from each University of Tennessee institution.

(3) The executive committee:

(A) May meet as often as necessary to conduct its business;

(B) Must have a majority of voting members present at meetings to constitute a quorum for the transaction of committee business;

(C) Has the authority to:

(i) Oversee and monitor the work of other standing committees, the university's planning process, the president's performance and welfare, and the university's commitment to and compliance with the state's plans and objectives for higher education;

(ii) Recommend to the board of trustees the initial and subsequent compensation of the president and the initial compensation of the chancellors and other university officers defined in the bylaws approved by the board;

(iii) Act for the board of trustees on any matter when necessary between meetings of the board; and

(iv) Perform other responsibilities as the board of trustees deems necessary or advisable, subject to the approval of the board; and

(D) Has only the specific authority granted pursuant to subdivision (a)(3)(C) and shall not operate or conduct any business outside the scope of such authority.

(b)(1) The board of trustees shall appoint the following standing committees, with at least three (3) of its members serving on each committee:

(A) An audit committee in compliance with the State of Tennessee Audit Committee Act of 2005, compiled in title 4, chapter 35;

(B) A finance and administration committee with responsibility for oversight of finance and administration related matters; and

(C) An academic affairs and student success committee with responsibility for oversight of matters related to academic affairs and student success.

(2) The standing committees created under subdivisions (b)(1) must have a majority of voting members present at meetings to constitute a quorum for the transaction of committee business.

(c)(1) The board of trustees may establish:

(A) Other standing committees as it deems necessary or advisable from time to time; and

(B) Its own subcommittees and ad hoc committees as it deems necessary or advisable from time to time.

(2)(A) Any standing committee established under subdivision (c)(1)(A):

(i) Must be comprised of at least three (3) members of the board of trustees;

(ii) May meet as often as necessary to conduct their business;

(iii) Must have a majority of voting members present at meetings to constitute a quorum for the transaction of committee or subcommittee business; and

(iv) Has only the specific authority granted to it by the board of trustees and shall not operate or conduct any business outside the scope of such authority.

(3) In appointing members to a standing committee created under subdivision (c)(1)(A), the board of trustees shall strive to appoint at least one (1) person from each University of Tennessee institution.

(4) Any standing committee of the board of trustees established under subdivision (c)(1)(A) may establish and appoint the members and chairs of any subcommittee or ad hoc committee it deems necessary or advisable from time to time.

(d) Nothing in this part authorizes the restructure or reorganization of the University of Tennessee system, unless such restructure or reorganization is authorized specifically by statute.

SECTION 8. Tennessee Code Annotated, Section 49-9-209, is amended by deleting subdivision (b)(2) and substituting instead the following:

None of the real property belonging to the university shall be sold or otherwise disposed of except at a meeting of the board of trustees.

SECTION 9. Tennessee Code Annotated, Section 49-9-209(d)(1), is amended by deleting subdivisions (E) and (F) in their entireties and substituting the following:

(E) Have the power to remove the president at any time;

(F) Have full authority and control over all university funds, whether appropriated from state revenues or institutional revenues, except authority to reallocate funds appropriated for a specific purpose or funds appropriated pursuant to the outcomes-based funding formula, and shall annually adopt an operating budget, set tuition and fees, and take all actions necessary and appropriate to ensure the financial stability and solvency of the University of Tennessee system;

SECTION 10. Tennessee Code Annotated, Section 49-9-209(d)(1), is amended by adding the following as new subdivisions (I)-(O) and redesignating the existing subdivisions accordingly:

(I) Approve policies governing student conduct;

(J) Oversee and monitor the operation of the intercollegiate athletics programs of the university, including proposed actions reasonably anticipated to have a long-term impact on the operations, reputation, and standing of the intercollegiate athletics programs or the university;

(K) Evaluate student financial aid in relation to the cost of attendance and approve any necessary policies to improve the availability of financial aid that are in the best interest of students, the university, and the state;

(L) Monitor the university's nonacademic programs, other than athletics, including programs related to diversity and monitor compliance of nonacademic programs with federal and state laws, rules, and regulations;

(M) Evaluate administrative operations and academic programs periodically to identify efficiencies to be achieved through streamlining, consolidation, reallocation, or other measures;

(N) Establish a process through which each advisory board created pursuant to § 49-9-501 must provide a recommendation to the president on the proposed operating budget, including tuition and fees, as it relates to the respective institution prior to the adoption of the annual operating budget by the board of trustees, beginning with any operating budget adopted after January 1, 2019;

(O) Establish a process through which each advisory board created pursuant to § 49-9-501 must provide a recommendation to the president on the proposed strategic plan for the respective institution prior to the approval of the strategic plan by the board of trustees, beginning with any strategic plan approved or adopted after January 1, 2019;

SECTION 11. Tennessee Code Annotated, Section 49-9-209, is amended by deleting subsections (e) and (f) in their entireties and substituting the following:

(e)(1) The board of trustees shall also have full power and authority to make bylaws, rules, and regulations for the governance of the university and the promotion of education in the university that in the board's opinion may be expedient or necessary.

(2) The bylaws, rules, and regulations shall not be inconsistent with the constitution and laws of the United States or of this state.

(f) The president and chancellors of the university, with the advice and consent of a majority of the board, are authorized to confer any bachelor's, master's, or doctoral degree approved by the board of trustees upon certification by the appropriate university offices that a student has satisfied all degree requirements and all obligations to the university.

SECTION 12. Tennessee Code Annotated, Title 49, Chapter 9, is amended by adding the following as a new, appropriately designated part:

49-9-501. Advisory boards for University of Tennessee institutions.

(a)(1) On July 1, 2018, there are established advisory boards for the University of Tennessee, Knoxville; University of Tennessee at Martin; University of Tennessee at Chattanooga; and University of Tennessee Health Science Center.

(2) Each advisory board shall consist of five (5) members appointed by the president of the University of Tennessee system, one (1) faculty member selected in accordance with subsection (c), and one (1) student member selected in accordance with subsection (d).

(b)(1) Of the five (5) members appointed by the president:

(A) At least three (3) members of each advisory board must be alumni of the respective University of Tennessee institution. For purposes of this subdivision (b)(1), "alumni" means a person who earned a degree at the respective institution;

(B) At least one (1) member of each advisory board must be a resident of the county in which the respective University of Tennessee institution is located. For purposes of this subdivision (b)(1)(B), "resident" means a person whose legal domicile is in the county in which the respective institution is located; and

(C) At least three (3) members of each advisory board must be residents of this state. For purposes of this subdivision (b)(1)(C), "resident" means a person whose legal domicile is the state of Tennessee.

(2) In making appointments, the president shall strive to ensure that the advisory boards are composed of members who are diverse in sex, race, perspective, and experience.

(c) One (1) member must be a full-time faculty member of the respective University of Tennessee institution selected and appointed in a manner determined by the faculty senate or equivalent body of that respective institution as soon as practicable for the initial appointment and, for all other subsequent appointments, no later than April 15 of the year of appointment.

(d) One (1) member must be a student at the respective University of Tennessee institution selected and appointed in a manner determined by the respective advisory board as soon as practicable for the initial appointment and, for all subsequent appointments, no later than April 15 of each year. Each student member must be enrolled full-time at the respective University of Tennessee institution throughout the term of appointment; provided, that this requirement does not require enrollment during any summer semester.

(e) The following individuals are prohibited from serving as a member of an advisory board for so long as they hold the office or position:

(1) Employees of any public institution of higher education; except those faculty or student members appointed to each advisory board;

(2) Elected officials;

(3) State employees; and

(4) Members of a governing body for any public institution of higher education.

(f)(1) The initial terms of the members appointed by the president of the University of Tennessee system shall be two (2), three (3), and four (4) years. One (1) member shall serve a two-year term, two (2) members shall serve a

three-year term, and two (2) members shall serve a four-year term. For all subsequent appointments, such members of the advisory boards shall be appointed to serve terms of four (4) years beginning July 1 of the year of appointment and ending on June 30.

(2) Each faculty member selected in accordance with subsection (c) shall serve a term of two (2) years, beginning July 1 and ending June 30.

(3) Each student member selected in accordance with subsection (d) shall serve a term of one (1) year, beginning July 1 and ending the following June 30.

(g) Members are eligible to succeed themselves; provided, that no person may serve more than two (2) consecutive terms, whether appointed as an initial member, as a successor member, or to fill a vacancy. A member who serves two (2) consecutive terms may be reappointed after four (4) years have elapsed since the individual's last date of service on that advisory board.

(h) If a vacancy occurs by death or resignation, the president of the University of Tennessee system shall appoint a successor for the remainder of the term. If a vacancy occurs by reason of expiration of a term, the board member whose term has expired serves until a successor is appointed.

(i) The cessation of a member's legal domicile in the applicable county that results in a failure to satisfy subdivision (b)(1)(B), or the cessation of any member's legal domicile in the state that results in a failure to satisfy subdivision (b)(1)(C), vacates the member's position. The president of the University of Tennessee system shall appoint a person satisfying the requirement as a successor for the remainder of the term.

(j) The cessation of a faculty member's employment with the university or full-time faculty status that results in a failure to satisfy subsection (c), or the cessation of a student member's full-time enrollment status that results in a failure to satisfy subsection (d), vacates the member's position. The president of the University of Tennessee system shall appoint a faculty member or student satisfying the requirement as a successor for the remainder of the term.

49-9-502. Advisory board meetings.

(a) Each advisory board of the University of Tennessee established pursuant to § 49-9-501 shall hold at least three (3) meetings annually on a day or days determined by the board from year to year.

(b) Four (4) members shall constitute a quorum, and they are empowered to transact any business.

(c) Each advisory board shall adopt bylaws to govern its meetings, subject to approval by the board of trustees.

(d) The president of the University of Tennessee system shall call the initial meeting of each advisory board to occur on or after July 1, 2018.

(e) The failure of a member to attend more than fifty percent (50%) of the regular meetings in a calendar year is cause for the member's removal and authorizes the board to call on the president of the University of Tennessee system to appoint a successor.

(f) Advisory board members shall be reimbursed for travel expenses in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

49-9-503. Advisory board role and responsibilities.

(a) Each advisory board of the University of Tennessee established pursuant to § 49-9-501 shall:

(1) Submit a recommendation, in accordance with the process established pursuant to § 49-9-209(d)(1)(N), regarding the proposed operating budget, including tuition and fees, as it relates to the respective institution;

(2) Submit a recommendation, in accordance with the process established pursuant to § 49-9-209(d)(1)(O), regarding the strategic plan for the respective institution;

(3) Advise the chancellor of the respective University of Tennessee institution regarding university operations and budget, campus master plan, campus life, academic programs, policies, and other matters related to the institution and as may be requested by the chancellor from time to time;

(4) Under the leadership of the chancellor of the respective institution, seek to promote the overall advancement of the institution and the University of Tennessee system;

(5) Advise the board of trustees or president of the University of Tennessee system on matters related to the institution and the University of Tennessee system as may be requested by the president or board of trustees from time to time; and

(6) Be subject to the open meetings laws, compiled in title 8, chapter 44.

(b) The responsibilities of, and any actions taken by, an advisory board shall not conflict with or inhibit the authority of the board of trustees.

SECTION 13. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 14. The headings to sections, chapters, and parts in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 15. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Gresham moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting subdivision (a)(2)(B) of Section 3 and substituting instead the following:

(B) At least five (5) of the members appointed by the governor must be alumni of the University of Tennessee. For purposes of this subdivision (a)(2)(B), "alumni" means a person who earned a degree at an institution of the University of Tennessee. In making appointments, the governor shall strive to ensure that the board includes alumni from different University of Tennessee institutions.

AND FURTHER AMEND by deleting subdivision (a)(2) of Section 7 and substituting instead the following:

(2) In appointing members to the executive committee, the board of trustees shall strive to ensure that the committee includes alumni from different University of Tennessee institutions.

AND FURTHER AMEND by deleting subdivision (c)(3) of Section 7 and substituting instead the following:

(3) In appointing members to a standing committee created under subdivision (c)(1)(A), the board of trustees shall strive to ensure that the committee includes alumni from different University of Tennessee institutions.

AND FURTHER AMEND by deleting subsection (d) of Section 7 and substituting instead the following:

(d) Nothing in this part authorizes the restructure or reorganization of the University of Tennessee system in a manner that removes a campus or institute from the system, unless such restructure or reorganization is authorized specifically by statute.

AND FURTHER AMEND by adding the following as a new subsection (f) in § 49-9-501 of Section 12 and redesignating the existing subsection (f) and subsequent subsections accordingly:

(f)(1)(A) Except as otherwise provided in this subsection (f), the five (5) members appointed by the governor must be confirmed by the senate and the house of representatives prior to beginning a term of office.

(B) Except as otherwise provided in this subsection (f), all appointments of the board members by the governor shall be confirmed by joint resolution, adopted first by the senate and then by the house of representatives, prior to the commencement of the term of office to which the member is appointed.

(C) If either house fails to confirm the appointment of a board member by the governor within ninety (90) calendar days after the general assembly next convenes in regular session following such appointment, the appointment terminates on the day following the ninetieth calendar day.

(2) If the general assembly is not in session when initial gubernatorial appointments are made, all such initial appointees shall serve the terms prescribed pursuant to this section, unless the appointments are not confirmed during the next regular session of the general assembly following the appointments in accordance with subdivision (f)(1).

(3) If the general assembly is not in session at the time a member is appointed by the governor to fill a vacancy resulting from the expiration of a term, the member whose term has expired will serve until a new appointee is confirmed in accordance with subdivision (f)(1).

(4) If the general assembly is not in session at the time a member is appointed by the governor to fill a vacancy not resulting from the expiration of a term, the new appointee will serve for the term appointed unless the appointment is not confirmed during the next regular session of the general assembly following the appointment in accordance with subdivision (f)(1).

AND FURTHER AMEND by deleting the word "president" in subsection (b) of § 49-9-501 of Section 12 and substituting instead the word "governor".

AND FURTHER AMEND by deleting the words "president of the University of Tennessee system" in subdivisions (a)(2) and (f)(1) and subsections (h), (i), and (j) of § 49-9-501 of Section 12 and substituting instead the word "governor".

AND FURTHER AMEND by deleting the words "president of the University of Tennessee system" in subsections (d) and (e) of § 49-9-502 of Section 12 and substituting instead the word "governor".

On motion, Amendment No. 2 was adopted.

Thereupon, **Senate Bill No. 2260**, as amended, passed its third and final consideration by the following vote:

Ayes 27
Noes 3

Senators voting aye were: Bailey, Bell, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager and Mr. Speaker McNally--27.

Senators voting no were: Bowling, Kyle and Yarbro--3.

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A motion to reconsider was tabled.

MOTION

Senator Swann moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 985**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 985 -- Memorials, Retirement -- Gary L. West.

On motion of Senator Swann, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 985** was concurred in.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that Rule 37 be suspended for the immediate consideration of **Senate Joint Resolution No. 785**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 785 -- Memorials, Retirement -- Jess O. Hale.

On motion of Senator Crowe, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 785** was adopted.

A motion to reconsider was tabled.

MOTION

Senator Norris moved that Rule 19 be suspended for the purpose of considering the Message Calendar next, which motion prevailed.

MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1757 -- Death -- As introduced, clarifies that the ability of a next of kin to seek reconsideration of a medical examiner's manner of death determination applies only when the manner of death is determined to be suicide. Amends TCA Title 68, Chapter 3.

HOUSE AMENDMENT NO. 1

AMEND by adding the following new subdivision (10) to the amendatory language in Section 1:

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(10) Unrelated parties have no liability for relying on the original death certificate, without regard to subsequent revision under this part.

Senator Johnson moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1757**, which motion prevailed by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1905 -- County Government -- As introduced, requires members of county legislative bodies, initially after election or appointment, to complete orientation training provided by the University of Tennessee's county technical advisory service (CTAS); requires the members to complete seven hours of annual continuing education training provided by CTAS; requires the comptroller of the treasury to post online the names of members and their status with respect to compliance with the training requirements. Amends TCA Title 5, Chapter 5.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 5, Part 1, is amended by adding the following new section:

(a) Each member of a county legislative body shall:

(1) No later than one hundred twenty (120) days after election or appointment, complete orientation training provided by the University of Tennessee's county technical assistance service (CTAS). This subdivision (a)(1) applies only to members newly elected or appointed on or after the effective date of this act; and

(2) Complete at least seven (7) hours of continuing education training provided or approved by CTAS annually. The period for compliance under this subdivision (a)(2) begins on September 1, 2018. This subdivision (a)(2) does not apply to:

(A) A person appointed to fill a vacancy on a county legislative body until September 1 after the person's appointment;

(B) An incumbent in office on the effective date of this act until the incumbent is separated from office for any reason and is subsequently elected or appointed to serve as a member of a county legislative body; and

(C) Any commissioner after eight (8) years of service.

(b) CTAS may provide the training required under subsection (a) in person or by any other means available.

(c) The comptroller of the treasury shall, at least annually, post on its website the name of each member of a legislative body and the hours of training required and completed for each member in compliance with subsection (a).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Yager moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1905**, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbrow and Mr. Speaker McNally--30.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 1967 -- Employees, Employers -- As introduced, specifies that a marketplace contractor of a marketplace platform is not an employee of the marketplace platform. Amends TCA Title 50; Title 56 and Title 62.

Senator Johnson declared Rule 13 on **Senate Bill No. 1967**.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 50, is amended by adding the following new chapter:

50-10-101.

As used in this chapter:

(1) "Marketplace contractor" means any individual, corporation, partnership, sole proprietorship, or other business entity that:

(A) Enters into an agreement with a marketplace platform to use the platform's online-enabled application, software, website, or

system to receive connections to third-party individuals or entities seeking services in this state; and

(B) In return for compensation from the third-party or marketplace platform, offers or provides services to the third-party individuals or entities upon being given an assignment or connection through the marketplace platform's online-enabled application, software, website, or system; and

(2) "Marketplace platform" means a corporation, partnership, sole proprietorship, or other business entity operating in this state that:

(A) Offers an online-enabled application, software, website, or system that enables the provision of services by marketplace contractors to third-party individuals or entities seeking services; and

(B) Neither directly nor through any related party derives any benefit from work performed by marketplace contractors other than a subscription or use fee for placing marketplace contractors in assignments or otherwise providing connections.

50-10-102.

(a) A marketplace contractor is an independent contractor and not an employee of the marketplace platform for all purposes under state and local laws, rules, ordinances, and resolutions if the following conditions are set forth in a written agreement between the marketplace platform and the marketplace contractor:

(1) The marketplace platform and marketplace contractor agree in writing that the contractor is an independent contractor with respect to the marketplace platform;

(2) The marketplace platform does not unilaterally prescribe specific hours during which the marketplace contractor must be available to accept service requests from third-party individuals or entities. If a marketplace contractor posts the contractor's voluntary availability to provide services, the posting does not constitute a prescription of hours for purposes of this subdivision (a)(2);

(3) The marketplace platform does not prohibit the marketplace contractor from using any online-enabled application, software, website, or system offered by other marketplace platforms;

(4) The marketplace contractor may, at its discretion, enlist the help of an assistant to complete the services, and the marketplace platform may require the assistant to complete the marketplace platform's standard registration and vetting process. If the marketplace contractor enlists the help of an assistant, the marketplace contractor, not the marketplace platform, is responsible for paying the assistant;

(5) The marketplace platform does not restrict the marketplace contractor from engaging in any other occupation or business;

(6) The marketplace platform does not require marketplace contractors to use specific supplies or equipment;

(7) The marketplace platform does not control the means and methods for the services performed by a marketplace contractor by requiring the marketplace contractor to follow specified instructions governing how to perform the services. However, the marketplace platform may require that the quality of the services provided by the marketplace contractor meets specific standards and requirements;

(8) The agreement or contract between the marketplace contractor and the marketplace platform may be terminated by either the marketplace contractor or the marketplace platform with or without cause;

(9) The marketplace platform provides no medical or other insurance benefits to the marketplace contractor, and the marketplace contractor is responsible for paying taxes on all income derived as a result of services performed to third parties from the assignments or connections received from the marketplace platform; and

(10) All, or substantially all, payment to the marketplace contractor is based on performance of services to third parties who have engaged the services of the marketplace contractor through the marketplace platform.

(b) This section does not apply to any service that is the type of service identified in 26 U.S.C. § 3306(c)(7) or (c)(8).

50-10-103.

Nothing in this chapter applies to:

(1) A transportation network company, as defined in § 65-15-301; or

(2) A construction services provider, as defined in § 50-6-901.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it, and shall apply to services provided through a marketplace platform on or after that date.

Senator Watson moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 1967**, which motion prevailed by the following vote:

Ayes	26
Noes	3

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Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Tate, Watson, Yager and Mr. Speaker McNally--26.

Senators voting no were: Kyle, Swann and Yarbro--3.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2264 -- Motor Vehicles -- As introduced, authorizes off-highway vehicles to be operated on segment of State Route 116 in Anderson County. Amends TCA Section 55-8-185.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-185, is amended by deleting the language "Rocky Top in" from subdivision (c)(4).

SECTION 2. Tennessee Code Annotated, Section 55-8-185(c)(4), is amended by adding the following as new, appropriately designated subdivisions:

() State Route 116 (U.S. Highway 25W) from its intersection with Fork Mountain Road to its intersection with Windrock Trail, which is designated by the wildlife resources agency as G-71;

() State Route 116 (U.S. Highway 25W) from its intersection with Colonial Lane to its intersection with Better Chance Road;

() U.S. Highway 441 (Norris Freeway) from its intersection with State Route 116 (U.S. Highway 25W) to 709 Norris Freeway;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Yager moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2264**, which motion prevailed by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2685 -- Housing -- As introduced, extends protections and immunities available under state law for housing authorities to entities that an authority or an entity affiliated with an authority may form, incorporate, or partner or participate with, for purposes of managing or developing mixed-finance housing projects. Amends TCA Title 13, Chapter 20, Part 1.

HOUSE AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 13-20-118, is amended by deleting the section and substituting instead the following:

The individual commissioners, directors, supervisory employees, and supervisory agents of a housing authority, whether such housing authority is formed under this chapter or by private act, while acting in the scope of their authority, including those entities that a housing authority or entity affiliated with an authority may form, incorporate, or join as a partner or member to develop or manage a mixed-finance project, and the directors, supervisory employees, and supervisory agents of such entities, while acting in the scope of their authority for the development or management of the mixed-finance project, enjoy the same protections and immunities that are presently provided for housing authority corporations under the law of this state, and any protections and immunities that may be provided to housing authorities in the future under the law of this state.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Senator Bailey moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2685**, which motion prevailed by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gresham, Haile, Hensley, Jackson, Johnson, Kelsey, Ketron, Kyle, Lundberg, Massey, Niceley, Norris, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Tate, Watson, Yager, Yarbro and Mr. Speaker McNally--29.

A motion to reconsider was tabled.

MOTION

Senator Yager moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 891 and 1830** on the calendar for the Committee on State and Local Government for Tuesday, March 27, 2018, which motion prevailed.

MOTION

Senator Gresham moved that Rule 83(8) be suspended for the purpose of placing **Senate Bills Nos. 734 and 1754** on the calendar for the Committee on Education for Wednesday, March 28, 2018, which motion prevailed.

MOTION

Senator Bell moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 2095** on the calendar for the Committee on Government Operations for Wednesday, March 28, 2018, which motion prevailed.

NOTICE

MESSAGE FROM THE HOUSE

March 26, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1944, substituted for House Bill on same subject, amended, and passed by the House.

TAMMY LETZLER,
Chief Clerk

RECALL OF BILLS

On motion of Senator Ketron, **Senate Bills Nos. 1818 and 2537** were recalled from the Committee on Commerce and Labor.

WITHDRAWAL OF BILLS

On motion of Senator Ketron, Senate Bills Nos. 1818 and 2537 were withdrawn from the Senate.

RECALL OF BILL

On motion of Senator Kyle, **Senate Resolution No. 177** was recalled from the Clerk's desk.

WITHDRAWAL OF BILL

On motion of Senator Kyle, Senate Resolution No. 177 was withdrawn from the Senate.

MOTION

On motion of Senator Southerland, his name was added as prime sponsor of **Senate Bill No. 1062**.

On motion of Senators Massey and Yarbrough, their names were added as sponsors of **Senate Bill No. 1691**.

On motion of Senator Haile, his name was added as sponsor of **Senate Bill No. 1806**.

On motion of Senator Bailey, his name was added as sponsor of **Senate Bill No. 2022**.

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On motion of Senator Stevens, his name was added as sponsor of **Senate Bills Nos. 2126 and 2466.**

On motion of Senator Gresham, her name was added as sponsor of **Senate Bills Nos. 2260 and 2662.**

On motion of Senator Yarbrow, his name was added as sponsor of **Senate Bills Nos. 2425 and 2648.**

On motion of Senators Kelsey and Stevens, their names were added as sponsors of **Senate Bill No. 2465.**

On motion of Senator Southerland, his name was added as sponsor of **Senate Joint Resolutions Nos. 752 and 753.**

On motion of Senator Haile and Mr. Speaker McNally, their names were added as sponsors of **Senate Joint Resolution No. 759.**

On motion of Senators Kelsey, Norris and Reeves, their names were added as sponsors of **House Joint Resolution No. 869.**

On motion of Senators Kelsey, Norris and Yarbrow, their names were added as sponsors of **House Joint Resolution No. 913.**

On motion of Senators Tate, Kelsey, Kyle, Norris, Bailey, Bell, Bowling, Briggs, Crowe, Dickerson, Gardenhire, Gresham, Haile, Hensley, Jackson, Johnson, Ketron, Lundberg, Massey, Niceley, Pody, Reeves, Roberts, Southerland, Stevens, Swann, Watson, Yager, Yarbrow and Mr. Speaker McNally, their names were added as sponsors of **House Joint Resolution No. 914.**

On motion of Senator Hensley, his name was added as sponsor of **House Joint Resolutions Nos. 927, 928, 929, 930, 931 and 936.**

On motion of Senators Swann and Southerland, their names were added as sponsors of **House Joint Resolution No. 932.**

On motion of Senator Haile, his name was added as sponsor of **House Joint Resolution No. 933.**

On motion of Senators Bowling and Reeves, their names were added as sponsors of **House Joint Resolution No. 935.**

On motion of Senator Crowe, his name was added as sponsor of **House Joint Resolution No. 937.**

On motion of Senators Briggs, Massey and Mr. Speaker McNally, their names were added as sponsors of **House Joint Resolution No. 942.**

On motion of Senator Johnson, his name was added as sponsor of **House Joint Resolution No. 943.**

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On motion of Senator Reeves, his name was added as sponsor of **House Joint Resolution No. 945**.

On motion of Senator Roberts, his name was added as sponsor of **House Joint Resolutions Nos. 946 and 947**.

On motion of Senator Watson, his name was added as sponsor of **House Joint Resolutions Nos. 948, 949, 950 and 951**.

ENGROSSED BILLS

March 26, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bills Nos. 2413, 2425 and 2648; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk

ENGROSSED BILLS

March 26, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Joint Resolution No. 785, and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk

ENGROSSED BILLS

March 27, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bills Nos. 1062, 1407, 1596, 1758, 1773, 1783, 1921, 1923, 1957, 1971, 2025, 2068, 2089, 2260 and 2707; and Senate Joint Resolutions Nos. 593, 752, 753, 754, 755, 756, 757, 758 and 759; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk

MESSAGE FROM THE HOUSE

March 27, 2018

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 1485, 1625, 1671, 1888, 1966, 2080, 2195, 2250, 2279, 2304, 2323, 2439, 2444, 2464, 2524, 2606, 2696, 2697, 2698 and 2701; passed by the House.

TAMMY LETZLER,
Chief Clerk

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MESSAGE FROM THE HOUSE

March 26, 2018

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 985, adopted, for the Senate's action.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

March 27, 2018

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 872, 905, 912, 915, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983 and 994; adopted, for the Senate's action.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

March 26, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1471, 1532, 1538, 1558, 1563, 1565, 1570, 1925, 2046, 2150 and 2648; substituted for House Bills on same subjects and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

March 26, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1593, 1615, 1924, 1977, 2193, 2425 and 2508; substituted for House Bills on same subjects and passed by the House.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE HOUSE

March 26, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 535, substituted for House Joint Resolution on same subject and passed by the House.

TAMMY LETZLER,
Chief Clerk

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MESSAGE FROM THE HOUSE

March 26, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 725, 728, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750 and 751; concurred in by the House.

TAMMY LETZLER,
Chief Clerk

ENROLLED BILLS

March 27, 2018

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully compared Senate Bills Nos. 1471, 1532, 1538, 1558, 1563, 1565, 1570, 1593, 1615, 1757, 1905, 1924, 1925, 1967, 1977, 2046, 2150, 2193, 2264, 2425, 2508, 2648 and 2685; Senate Joint Resolutions Nos. 535, 725, 728, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750 and 751; and Senate Resolutions Nos. 158 and 176; and find same correctly enrolled and ready for the signatures of the Speakers.

ALAN WHITTINGTON,
Deputy Chief Clerk

SIGNED

March 27, 2018

The Speaker announced that he had signed the following: Senate Joint Resolutions Nos. 535, 725, 728, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750 and 751; and Senate Resolutions Nos. 158 and 176.

MESSAGE FROM THE HOUSE

March 27, 2018

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 535, 725, 728, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750 and 751; signed by the Speaker.

TAMMY LETZLER,
Chief Clerk

MESSAGE FROM THE GOVERNOR

March 26, 2018

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 657, 658, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 723 and 724; with his approval.

DWIGHT E. TARWATER,
Counsel to the Governor

MONDAY, MARCH 26, 2018 -- 63RD LEGISLATIVE DAY

MESSAGE FROM THE GOVERNOR

March 27, 2018

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Bill No. 2728, with his approval.

DWIGHT E. TARWATER,
Counsel to the Governor

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Wednesday, March 28, 2018: Senate Bills Nos. 272, 278, 1607, 1655, 1812, 1828, 1914, 1936, 1945, 1992, 2029, 2033, 2043, 2053, 2105, 2108, 2148, 2159 and 2461.

This the 26th day of March, 2018
ROBERTS, Chairperson

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, March 29, 2018: Senate Joint Resolutions Nos. 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 778, 779, 780, 781, 782, 783, 784 and 786; and House Joint Resolution No. 911.

This the 27th day of March, 2018
ROBERTS, Chairperson

**REPORT OF COMMITTEE ON CALENDAR
LOCAL CALENDAR**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Thursday, March 29, 2018: Senate Bills Nos. 2724, 2727, 2729, 2730 and 2731.

This the 27th day of March, 2018
ROBERTS, Chairperson

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, March 29, 2018: Senate Bills Nos. 583, 834, 1386, 1531, 1572, 1597, 1618, 1732, 1755, 1842, 1869, 2008, 2240, 2388, 2435, 2473, 2475, 2486, 2495, 2516, 2634, 2658, 2684, 2694, 2696, 2698, 2704, 1929 and 2099.

This the 27th day of March, 2018
ROBERTS, Chairperson

MONDAY, MARCH 26, 2018 -- 63RD LEGISLATIVE DAY

**REPORT OF COMMITTEE ON CALENDAR
MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bill and it has been set on the Message Calendar for Thursday, March 29, 2018: Senate Bill No. 1944.

This the 27th day of March, 2018
ROBERTS, Chairperson

ADJOURNMENT

Senator Norris moved the Senate adjourn until 8:30 a.m., Wednesday, March 28, 2018, which motion prevailed.